REMARKS

The Office Action dated July 3, 2007 has been carefully considered. Claims 1, 12 and 19 have been amended. Claim 11 has been canceled. Claims 1, 2, 8-10 and 12-19 are in this application.

The limitation of dependent claim 11 has been added to claims 1 and 19. No new matter has been entered.

Claim 1 was provisionally rejected on the ground of non-statutory obviousness-type double patenting in view of co-pending U.S. Patent Application No. 09/790,015. Upon allowance of the claims applicants will submit a terminal disclaimer for overcoming this rejection.

The previously presented claims were rejected under 35 U.S.C. § 103 as obvious in view of U.S. Patent No. 5,440,961 to Lucas, Jr. et al. in view of U.S. Patent No. 5,440,961 to Wankow. Applicants submit that the teachings of these references do not teach or suggest the invention defined by the amended claims.

As noted by the Examiner, Lucas, Jr. et al. do not teach or suggest that a film cutter apparatus is made from polyvinyl chloride with plasticizer. The Examiner indicated Wankow teaches material 30 provides an attraction to the plastic wrap. The Examiner noted that Lucas, Jr. et al. and Wankow do not teach the amount of plasticizer in the polyvinyl chloride being at least 10 percent.

Wankow discloses a dispensing carton for a roll of sheet material including a vinyl spot of material to hold the film from falling back into the box.

As noted by the Examiner, in contrast to the invention defined by the present claims, Wankow does not teach or suggest rails formed of a first material of polyvinyl chloride comprising at least 10% plasticizer coextruded with a second material formed of rigid vinyl or rigid PVC. Rather, Wankow is directed to a vinyl spot of material formed on the carton to prevent the material from retracting into the carton. As noted in the Declaration of Paul Vegliante submitted herewith Wankow teaches that a conventional serrated blade is used by exerting force by hand to rip, tear and puncture the film against the serrated edge. The vinyl spots of Wankow are on the bottom of the box just above the serrated edge. Accordingly, one must pull the film over the serrated edge and away from the box all together to begin the cutting

edge where a combination of movement and pressure is necessary for the cutting to occur with a serrated edge it is obvious to one of ordinary skill in the art that the vinyl spots play no roll in cutting the film. After the film is cut, the vinyl spots have enough holding force to prevent a .0003 piece of film from falling back into the box via static friction. Because the vinyl spots hold an almost weightless piece of film in place with no plausible relation to cutting it is in no way obvious to one of ordinary skill in the art of extrusion to correlate the vinyl spots with the combination of a co-extruded top surface cutting apparatus combined with a blade that is placed at an angle where the film is severed which positioning demands the film be completely stationary which is exactly opposite of the force and methodology used with a serrated blade. As described on page 6, lines 1-3 of the present application, the blade angle provides optimal performance of cutting. In Wankow, there is no teaching of the combination of rails formed of a material for clinging plastic wrap to the rails before and after cutting of the plastic wrap. Further, there is no teaching or suggestion in Wankow of a blade housing sliding within a channel formed between the rails and having a blade angled from a bottom edge of a blade housing. Rather, Wankow is directed to a saw tooth metal edge for tearing or serrating the film rather than cutting of the film with a slide cutter. Similarly, Lucas, Jr. et al. teaches a star cutter and do not teach or suggest a blade angled from a bottom edge of a blade housing.

Furthermore, Wankow teaches in Example I, a liquid formulation with less than 10% plasticization which teaches away from the present invention, including at least 10% plasticization, and therefore Wankow does not provide the attraction defined by the present claims. The Examiner indicated that it would be obvious to one of ordinary skill in the art to provide at least 10% plasticizer. However, Applicants submit that one of ordinary skill in the art would not be motivated to increase the amount of plasticizer following the teachings of Wankow since Wankow teaches a reduced amount of plasticizer. Further, neither of the references teach the structure of a rail having cling properties in combination with a rail having durability properties. Accordingly, the invention defined by the present claims is not obvious in view of Lucas, Jr., et al. in combination with Wankow.

Claim 2 was rejected under 35 U.S.C. § 103(a) as obvious in view of Lucas, Jr. et al. in combination with Wankow and U.S. Patent No. 4,960,022 to Chuang.

Chuang discloses a plastic film cutter using rollers for engaging and maintaining the film in a tensioned state. The cutter has a concave surface.

In contrast to the invention defined by the present claims, Chuang does not teach or suggest rails being formed of a material providing an attraction to film received over the rails to cling the plastic wrap before and after cutting of the plastic wrap. Rather, Chuang uses rollers for engaging and maintaining the film in a tensioned state. Further, Chuang does not teach or suggest that the blade is angled in a blade housing. Thus, Chuang does not cure the deficiencies of Lucas, Jr. et al., and Wankow, as noted above. Accordingly, the invention defined by the present claim 2 is not obvious in view of Lucas, Jr. et al. and Wankow in combination with Chuang.

Claims 16 and 17 was rejected under 35 U.S.C. § 103(a) as obvious in view of Lucas, Jr. et al. in combination with Wankow and U.S. Patent No. 5,398,576 to Chiu.

Chiu discloses a cutting device for a roll of film including a cutter placed on a positioning unit. A guide unit includes two vertical plates projecting downwardly from the rear portion of the cutter through the slot and two horizontal plates that project outwardly from the lower edge of the vertical plates. The length of the vertical plates is slightly longer than the thickness of the top wall of the positioning unit so that the front portion of the sliding body can turn somewhat upwardly to facilitate cutting of the protective film by the cutting edge of the blade. The positioning unit further includes an upright front stop plate which is mounted securely on the front end portions of the side and top walls of the positioning unit, and an upright rear stop plate which is mounted removably on the rear end portions of the side and top walls of the positioning unit so as to permit removal of the cutter from the positioning unit.

In contrast to the invention defined by the present claims as noted above, Chiu does not teach or suggest rails being formed of a material providing an attraction to plastic wrap received over the rails to cling the plastic wrap to the rails before and after cutting of the plastic wrap. Further, Chiu does not teach or suggest that a blade is angled in a blade housing. Rather, Chiu uses the shape of the cutter to allow the sliding body to turn upward in order to prevent bunching of the film. Thus, Chiu does not cure the deficiencies of Lucas, Jr. et al. and Wankow noted above. Accordingly, the invention defined by the present claims 16 and 17 is not obvious in view of Lucas, Jr. et al. and Wankow in combination with Chiu.

In view of the foregoing, Applicants submit that all pending claims are in condition for allowance and request that all claims be allowed. The Examiner is invited to contact the undersigned should he believe that this would expedite prosecution of this application. It is believed that no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,

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